



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,026	02/14/2002	Ronald D. Blum	10551/321	5663

23838 7590 10/26/2005

KENYON & KENYON
1500 K STREET NW
SUITE 700
WASHINGTON, DC 20005

EXAMINER

DINH, DUC Q

ART UNIT PAPER NUMBER

2674

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/074,026	BLUM ET AL.	
	Examiner	Art Unit	
	DUC Q. DINH	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application repeats a substantial portion of the Provisional Application No. 60/268,409, filed on February 14, 2001, and adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, this Application is entitled to the benefit date of the Provisional Application.
2. Applicant's election without traverse of claims 36-64 in the reply filed on May 25, 2005 is acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over (U. S. Castle (U.S Patent No. 5,848,830) in view of Giraud (U.S Patent No. 5,966,696).

In reference to claim 36, Giraud discloses an advertising system in Fig. 1, comprising: a display (12); at least one motion sensor (30); a controller (28) coupled to the at least one motion sensor (30) and display (12); a memory (36) instructions for illuminate the display (col. 2, lines 343-40) coupled to the controller (28); the controller electrically connected the display, the sensor and the memory and read the memory and activates the display in response to a signal from the sensor (col. 5, lines 5-20).

Accordingly, Giraud discloses all the claimed limitations except the display is a floor display. Castle discloses an illuminated floor display using for presenting advertising information to consumer (col. 1, lines 4-6).

It would have been obvious for one of ordinary skill in the art at the time of the invention to recognize that the teaching of presenting advertisements to consumers as taught by Giraud would be presented on a strategic location, i.e. on the floor of the in front of a store, to maximize exposure of advertisement so that it is frequently observed by consumers (col. 1, lines 55-56).

In reference to claim 37, Giraud discloses the motion sensor 30 senses motion proximal to the display (col. 5, lines 5-10).

In reference to claim 38, Giraud discloses the direct current power source that powers the controller (col. 4, lines 6-9).

In reference to claim 39, Giraud discloses the memory instructions further comprise instruction for instructing the controller to display different programs according to idle mode or active mode (col. 4, lines 16-29).

In reference to claims 40-41, Giraud discloses a sound generating means 24 connected with the controller 28 (Fig. 1) for generating audio portion of the advertisements as they are shown on the display 12 which is response to the signal from the sensor. In addition, Castle discloses a speaker 65 for broadcasting sound as claimed (col. 4, lines 35-38 of Giraud. Fig. 6, of Castle).

In reference to claim 42 Giraud discloses a method of advertising, comprising:
illuminating display according to a first pattern (displaying a first non-advertisement information

Art Unit: 2674

in idle mode); sensing motion; and illuminating the floor display according to the second pattern when motion is sensed (once the presence of at least one potential consumer within the proximal range is sensed, the activate mode of the system is invoke and the display 12 begins displaying a advertisement; col. 4, lines 49-50);

In reference to claim 43, Giraud discloses the motion sensor 30 sensing motion in an area proximal to the display (see claim 42).

In reference to claim 44, Giraud discloses sensing of the motion has stop (col.4, lines 31-32).

In reference to claims 45-46, Giraud discloses the interface switch and modem 40 for connecting the system with a host computer for receiving addition information and displaying the information on display device 12 in response from the signal from the interface as claimed.

In reference to claim 47, Castle discloses the speaker 62 for broadcasting a first sound.

In reference to claim 48, refer to the rejection as applied to claim 42 and 45-46.

In reference to claim 49, refer to the rejection as applied to claim 43.

In reference to claim 50, refer to the rejection as applied to claim 44.

In reference to claim 51, refer to the rejection as applied to claim 47.

In reference to claim 52, refer to the rejection as applied to claims 36 and 40-41.

In reference to claim 53, refer to the rejection as applied to claims 45-46.

Art Unit: 2674

In reference to claim 54, Giraud discloses a display system in Fig. 1. 6, comprising: a display (12); at least one motion sensor (30); a controller (28) coupled to the at least one motion sensor (30) and display (12); a memory (36) coupled to the controller (28); wherein the controller activates the display device in response to a state of contents of the memory (col. 2, lines 38-40) based on a signal from the at least one motion sensor and detected by the controller 28 (col. 5, lines 5-20).

Accordingly, Giraud discloses all the claimed limitations except the display is a floor display. Castle discloses an illuminated floor display using for presenting advertising information to consumer (col. 1, lines 4-6).

It would have been obvious for one of ordinary skill in the art at the time of the invention to recognize that the teaching of presenting advertisements to consumers as taught by Giraud on a strategic location, i.e. on the floor of the in front of a store, to maximize exposure of advertisement so that it is frequently observed by consumers (col. 1, lines 55-56).

In reference to claim 55, Giraud discloses the at least one motion sensor senses motion proximal to the display panel (col. 5, lines 5-7).

In reference to claim 56, Giraud discloses system illuminates the display device in first and second patterns based on a first state and a second state, respectively, of the contents of the memory (col. 4, lines 10-30).

In reference to claim 57, Giraud discloses the sensor system illuminates the display in a third pattern based on the third state of the memory (non-advertising information; col. 4, lines 31-34; col. 1, lines 56-62).

Art Unit: 2674

In reference to claim 58, Giraud discloses the system comprising a sound-generating device (24) coupled to the sensor system (see Fig. 1) to generate a sound base on a signal from the sensor system (col. 4, lines 35-39).

In reference to claim 59, refer to the rejection as applied to claim 42.

In reference to claim 60, Giraud discloses different advertisements are displayed in response to the motion sensor (col. 1, lines 55-63).

In reference to claim 61, refer to the rejection as applied to claim 58.

In reference to claim 62, refer to the rejection as applied to claim 52.

In reference to claim 63, refer to the Giraud discloses the system 10 display different display programs for idle mode and active mode in response to the signal from the motion sensor 30 and detected by the controller 28 (col. 4, lines 16-29).

In reference to claim 64, Giraud discloses the controller causes the display to display to present different display program in response to signal from the sensor and detected by the controller (col. 4, lines 31-34).

Art Unit: 2674

Conclusion

5. In view of the rejection as set forth above, Applicant's request for interference is premature.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edouard Patrick can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2674

DQD
October 17, 2005


PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER